

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RONALD SHAMON and PATRICIA SHAMON,
Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

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) Docket No. 04cv11674-WGY
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MOTION FOR EXAMINATION OF PLAINTIFF RONALD SHAMON

Defendant, pursuant to Fed. R. Civ. P. 35, moves for a physical examination of the Plaintiff, Ronald Shamon, by James M. Richter, M.D., a doctor of internal medicine and gastroenterology and, specifically, an expert in gastrointestinal endoscopy and the treatment of colon disease and pain. In support of this motion, the Defendant states that Plaintiff has place his physical condition in controversy and there is good cause for the examination, and submits the accompanying Memorandum of Law in Support of its Motion for Examination of Plaintiff Ronald Shamon, which sets forth these arguments in detail.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

Dated: April 8, 2005

By: /s/ Damian W. Wilmot
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CERTIFICATION UNDER L.R. 7.1

I certify that in accordance with Local Rule 7.1, on March 4 and 31, 2005, I have conferred with Plaintiff's counsel and have attempted in good faith to resolve the issues addressed in this Motion.

/s/ Damian W. Wilmot
DAMIAN W. WILMOT
Assistant U.S. Attorney